THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.27563 of 1998

Date 10-10-2007

Between:
Sravan Kumar

……PETITIONER

AND

The District Collector,
Mahabubnagar District.

……..RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.27563 of 1998

ORDER: (per Smt. T. Meena Kumari,J)

The writ petition is filed in the nature of Writ of Certiorari to call for the records relating to the impugned proceedings in Rc. No. 2362/E6/96, dated 30.7.1997 of the 1st respondent and to set aside the same by holding it as illegal, irregular and arbitrary and contrary to the orders issued in G.O. Ms. No.612, dated 30.10.1991. He also sought for a consequential direction to the respondents to appoint the petitioner on compassionate grounds in any suitable post.

The brief facts of the case are that the petitioner is the step son of the deceased employee. While so, after the death of the deceased employee, he made a representation on 19.4.1997 for providing compassionate appointment. Thereafter, the District Collector, Mahabubnagar rejected the representation of the petitioner for compassionate appointment stating that the applicant is the step son of the deceased employee. Aggrieved, he filed O.A. No. 6048 of 1997 before the Tribunal. The Tribunal, through order dated 29.1.1998, dismissed the said O.A. Aggrieved, the petitioner filed the present writ petition.

Learned counsel for the petitioner would contend that the Tribunal did

not take into consideration G.O. Ms. No. 612, dated 30.10.1991 and erroneously rejected the case of the petitioner. He, therefore, prayed that the writ petition be allowed and the impugned order be set aside.

On the other hand, learned Government Pleader for Services has supported the impugned order and prayed that the writ petition be dismissed.

There is no dispute about the fact that the petitioner is not the own son of the deceased employee and he is only a step son. Though the petitioner is not the own son of the petitioner, his whole family was looked after by the deceased during her life time. Further, even in the legal heir certificate dated 24.9.1996 issued by the Mandal Revenue Officer, the name of the petitioner was mentioned and except the petitioner and his brother, all others are daughters and they all were married long back. Further, Smt. K. Laxmamma, who is said to have been nominated by the deceased as her nominee in the original service register, has got married long back and is working as a Sweeper in Civil Hospital, Kalwakurthy. In view of the fact that Smt. Laxmamma has got married long back and in view of the fact that she was gainfully employed, the Collector ought not to have rejected the case of the petitioner for compassionate appointment. Further, the Tribunal also without appreciating these facts, quite mechanically dismissed the O.A. by the impugned order. Hence, the matter requires to be remanded back to the Collector for reconsideration of the case of the petitioner.

In the circumstances, the writ petition is allowed and the impugned order dated 30.7.1997 of the District Collector, Mahabubnagar, the 1st respondent herein, is set aside and the matter is remanded back to him for passing appropriate orders afresh. No costs.

T. MEENA KUMARI,J

DATE: 10th October, 2007

_____

G. CHANDRAIAH,J

pnb